

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CYNTHIA L. MERLINI,

Plaintiff,

vs.

CANADA,

Defendant

Civ. A. No. 1:17-cv-10519-NMG

JOINT MOTION FOR ENTRY OF AGREED PROCEDURAL ORDER

Without prejudice to their respective arguments concerning this Court's jurisdiction, substantive issues, and other procedural issues, the parties, Cynthia L. Merlini and Canada, jointly move for an order that will enable them to attempt to resolve this matter through mediation. While dates have not yet been finalized, the parties anticipate that they will be able to attend a mediation in August 2020. Accordingly, the parties respectfully jointly move for an order as follows:

1. The status conference now set for June 29, 2020, shall be cancelled. In lieu thereof, the parties shall jointly advise the Court on or before August 31, 2020, whether mediation is ongoing or has been terminated and whether or not the matter has been resolved by agreement. Either party may terminate mediation by written notice to the other party at any time, whereupon the parties shall promptly advise the Court that mediation has been terminated.

2. The parties' agreement to mediate and this Order are without prejudice to any jurisdictional, substantive, or other procedural arguments either party may raise.

3. If mediation is terminated without resolving this matter, Canada's answer or other responsive pleading under Fed. R. Civ. P. 12 shall be due 21 days after written notice by either party of termination of the mediation, subject to further order of this Court.

Respectfully submitted,

CYNTHIA L. MERLINI

By her attorney:

/s/ Theodore J. Folkman

Theodore J. Folkman (BBO No. 647642)
FOLKMAN LLC
53 State Street, Suite 500
Boston, MA 02109
(617) 219-9664
ted@folkman.law

CANADA

By its attorneys:

/s/ Simon A. Steel

Chrisann Leal (BBO No. 566402)
CURTIN, MURPHY & O'REILLY, P.C.
31 Saint James Avenue, 3rd Floor
Boston, MA 02116
(617) 574-1700
cleal@cmopc.com

Tony K. Lu (BBO No. 678791)
DENTONS US LLP
One Beacon Street, Suite 25300
Boston, MA 02108
(617) 235-6817
tony.lu@dentons.com

Simon A. Steel (*pro hac vice*)¹
Laura A. Seferian (*pro hac vice*)
DENTONS US LLP
1900 K Street NW
Washington, DC 20006
(202) 496-7077
simon.steel@dentons.com
laura.seferian@dentons.com

Dated: June 26, 2020

¹ Not admitted in DC. Authorized to practice in federal courts under D.C. Court of Appeals Rule 49(c)(3).

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(a)(2)

I hereby certify that Defendant has conferred with Plaintiff and Plaintiff assents to this motion.

/s/ Simon A. Steel
Simon A. Steel

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to all parties as identified on the NEF on June 26, 2020.

/s/ Simon A. Steel
Simon A. Steel